A regular meeting of the Board of Selectmen was held on November 17, 2011, at 7:00 p.m., in the Francis O'Brien Meeting Room, Town Office Building, 26 Bryant Street, Dedham, MA. Present were:

James A. MacDonald Carmen Dellolacono Michael L. Butler Sarah E. MacDonald Paul A. Reynolds

Mr. MacDonald called the meeting to order at 7:00 p.m.

## **DEDHAM CITIZENS OPEN DISCUSSION**

Mr. MacDonald asked if anyone in the audience would like to speak with the Board. Hearing no response, he moved on to the next matter.

Relative to recent Havey Beach Meeting, Mr. MacDonald asked Russ Poole, Riverdale Resident and Town Meeting Member, to give an overview of the meeting. Mr. Poole informed all that Senator Russ and Senator Coppinger are both working on this matter. He went on to say that DCR Meeting was held to give an update relative to Havey Beach developments. The discussion/updates consisted of the following: (1) Rehabilitation of the Boat House for canoe and Kayak rentals. (2) Proposal to fundraising by DCR for a Feasibility Study. (3) Active involvement with the Charles River Watershed relative to study and fundraising. Mr. MacDonald thanked Mr. Poole for attending the meeting and update discussion this evening.

# REQUESTS FOR SPECIAL EVENT RETAIL OPENINGS "BLACK FRIDAY"

Mr. MacDonald explained the By-law change to accommodate special event openings. He went on to say that the Board of Selectmen will have control over the requests and consideration relative to public safety as a result of granting such requests. Mr. Dellolacono asked the store managers who were present if they appreciated the process the Police Chief and Selectmen have put in place. Lance Rezard, Dick's Sporting Goods informed the Board that this was the first "Black Friday" event Dick's Sporting Goods has undertaken in the Boston area—he went on to say that the process was well thought out and excellent overall. The manager of Movie Stop thought that the process was on the mark—he went on to say that the event at their store will be lower key.

Mr. MacDonald informed all that the goal of the Board of Selectmen is for the stores to have a successful night with lines out the door and lots of competition for customers. Mr. MacDonald acknowledged all the managers and appreciated the fact that they attended the Board's meeting this evening.

Mr. Dellolacono made a motion to approve the following Special Retail Opening Requests, with conditions, for "Black Friday", November 25, 2011; seconded by Ms. MacDonald:

Dick's Sporting Goods, 180 Providence Highway, 5:00 a.m. to 10:00 p.m. (1 Police Officer Detail); Best Buy, 700 Providence Highway, 1:00 a.m. (2 Police Officers Detail); Movie Stop162-164 Providence Highway, 12:00 Midnight to 6:00 a.m. (1 Police Officer Detail); Ocean State Job Lot, 100 Providence Highway (1 Police Officer Detail); BJ's Wholesale Club, 688 Providence Highway, 7:00 a.m. (1 Police Officer Detail); Olympia Sports, 727 Providence Highway, 5:00 a.m. (1 Police Office Detail); Sears, 290 Providence Highway, 4:00 a.m. (1 Police Officer Detail); Toys "R" us/Babies "R" us, 301 Providence Highway, 12:00 Midnight (2 Police Officers Detail)

<u>On the Vote:</u> Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes. (Mr. Butler was not present during this portion of the meeting and, therefore, he did not vote relative to this matter.)

# **DISCUSSION WITH DENNIS TEEHAN RE: WHITING AVENUE CONCERNS**

Mr. Teehan introduced himself and informed all that his daughter resides at 370 Whiting Avenue. He went on to say that his daughter was living at this address when he was on the Board of Selectmen five years ago; and at that time, he met with the neighbors on Whiting Avenue to discuss traffic issues they were having on the street. Mr. Teehan informed all that it was a good neighborhood meeting and as a result, he requested a Traffic Study by the Norfolk County Engineers to address Whiting Avenue as a cut through and the prominent hill—the neighbors agreed.

Mr. Teehan informed all that the recommendation of the County Engineer, Jack Gillin, (Report can be found on file in the Town Administrator's Office) was to place a speed bump. He went on to say that the street near the hill was determined to be unsafe and people cannot pull safely out of their driveways. Mr. Teehan informed all that the Town placed lights/radar on the street—he thought these actions somewhat helped the situation; however, the Whiting Avenue neighbors asked him to be their spokesman relative to the traffic issues.

Mr. Teehan commented that he was not an advocate for speed bumps; however, the Norfolk County Engineers' Report states that the conditions on the street are unsafe. Therefore, he thinks that Town should do it and asked the Board to consider speed bumps and also consider the funding for the project in this year's budget. Mr. Teehan went on to say that he spoke with Joe Flanagan, DPW Director, relative to this matter.

Mr. Teehan commented that he did not want to appear selfish, due to the fact that his daughter lives on the street; however, he thought that the situation was very dangerous. Mr. Teehan asked the Board to

review and consider the Norfolk County Engineers' Report—he felt that the vehicles will slow down with a speed bump and give safety to the residents in this area.

Mr. MacDonald informed all that he asked Police Chief Michael D'Entremont for a list of citations given on Whiting Avenue; and according to the report, violations in this area have spike this past year. Mr. Dellolacono commented that he has reviewed the newest study relative to Whiting Avenue and found that it was similar to the 2006 report—similar issues.

# REQUEST CHANGE OF MANAGER, DEDHAM COUNTRY AND POLO CLUB, 124 COUNTRY CLUB ROAD, ROBERT PESCATORE, MANAGER

Mr. Pescatore notified the Town Administrator's Office that he could not make this evening's meeting and he asked the Board to postpone the above-referenced request until their meeting of December 1, 2011. The Board granted Mr. Pescatore's request to postpone.

## LIQUOR VIOLATION HEARING—PIZZERIA UNO, 270 PROVIDENCE HIGHWAY

The above-referenced hearing was a continuation of the November 3, 2011, Violation Hearing for Pizzeria Uno.

Prior to the hearing, Mr. MacDonald asked Mr. Dellolacono, Vice-Chairman, to take over the duties relative to conducting the hearing. Mr. MacDonald recused himself from the hearing and left the Francis O'Brien Meeting Room. Mr. MacDonald did not participate in the discussions. Mr. MacDonald did not vote relative to this matter.

Selectmen Michael L. Butler was not present for this portion of the meeting. Mr. Butler did not participate in the discussions. Mr. Butler did not vote relative to this matter.

Representing Pizzeria Uno were: Adam Simone, Manager, Attorney Tom Vangel and Attorney George Hearns, General Counsel for Uno Pizzeria.

William Keegan, Town Administrator, swore in the Uno's Manager of Record, Adam Simone and Sgt. Michael Buckley, Alcohol Officer, Dedham Police Department.

Attorney Vangel thanked the Board of Selectmen for postponing the hearing until this evening. Attorney Vangel concurred with the Dedham Police Report relative to Uno Pizzeria. Mr. Dellolacono asked Attorney Vangel if he would like the report read into the record. Attorney Vangel responded, no.

On behalf of Pizzeria Uno, Attorney Vangel apologized. He went on to say that Uno was not happy with the situation; and over the past twenty years, there have been no violations relative to service to minors. Attorney Vangel informed the Board that Uno Pizzeria is a family-orientated establishment — they train their employees and take alcohol very seriously. Additionally, Uno Pizzeria has zero tolerance policy.

Attorney Vangel informed the Board that the server involved in the incident was terminated. Additionally, the manager on duty was suspended for one week without pay. Attorney Vangel went on to say that employees are 100% Certified Serve-Safe trained and that Mr. Simone was a Serve-Safe trainer. Attorney Vangel informed the Board that management has pre-shift meetings with the staff to reinforce all the servers. Attorney Vangel informed the Board that Uno's policy is to card everyone under the age of forty. Attorney Vangel went on to say that Uno Pizzeria has a good reputation in the community—they employee many Dedham residents, donate and are very involved in the Town of Dedham. Attorney Vangel asked the Board to consider the twenty years Pizzeria Uno has been established in the community—he requested that the Board consider three-days in abeyance as penalty or one day served and two days held in abeyance for the violation. He went on to say that this is the first incident Pizzeria Uno has had in many years.

Mr. Dellolacono commented that Pizzeria Uno is a staple in the Town of Dedham with a fantastic operation. Mr. Dellolacono asked Mr. Simone if the establishment had an age verification machine. Mr. Simone responded, no. Mr. Dellolacono asked Mr. Simone if he does the alcohol training with the staff. Mr. Simone responded that he sets up the classes on-line for the staff. Mr. Dellolacono asked Mr. Simone if he trains every six months or yearly. Mr. Simone informed him that he keeps track of employees' certifications and when they expires and are ready for re-certification. Mr. Dellolacono asked Mr. Simone if he has reached out to Sgt. Buckley, Alcohol Officer, Dedham Police Department, since the incident. Mr. Simone commented that he did not get in touch with Sgt. Buckley.

Mr. Dellolacono commented that due to the training and efforts put in with the establishments by Sgt. Buckley, he expected zero violations in the recent sting. Mr. Dellolacono asked Mr. Simone if Pizzeria Uno has been to any of Sgt. Buckley's training programs. Mr. Simone responded, no. Sgt. Buckley informed all that Pizzeria Uno trains their staff with the Serve Safe Program before they sent out on the floor to serve their customers. Sgt. Buckley was familiar with Serve Safe and likes their policy.

Mr. Dellolacono asked Attorney Vangel and Mr. Simone if they believe they have received a fair hearing. Both gentlemen responded, yes.

Ms. MacDonald made a motion to close the public hearing; seconded by Mr. Reynolds. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; and Mr. Dellolacono, yes. (Mr. MacDonald and Mr. Butler did not participate or vote relative to this matter.)

Ms. MacDonald made a motion to find that the licensee, Uno Restaurants, LLC, d/b/a Pizzeria Uno Restaurant and Bar did violate M.G.L. Chapter d138, Section 64A and the Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Dedham, Section 15 (violations) and Section 23 (sale of alcohol to a person under the age of twenty-one) on September 23, 2011, at approximately 7:53 p.m.; seconded by Mr. Reynolds. On the Vote: Mr. Reynolds, yes; Ms. MacDonald, yes; and Mr. Dellolacono, yes. (Mr. MacDonald and Mr. Butler did not participate or vote relative to this matter.)

Ms. MacDonald made a motion to issue a suspension for three days and that the three days are to be held in abeyance for twenty-four months; seconded by Mr. Reynolds. **On the Vote:** Mr. Reynolds, yes; Ms. MacDonald, yes; and Mr. Dellolacono, yes. (Mr. MacDonald and Mr. Butler did not participate or vote relative to this matter.)

At the conclusion of the vote, Mr. Dellolacono informed Attorney Vangel and the other Pizzeria Uno representatives that the Dedham Board of Selectmen does not grant stays.

#### DISCUSSION WITH JOSEPH FLANAGAN, DPW DIRECTOR, RE: ROAD IMPROVEMENT PROJECT UPDATES

Mr. Flanagan informed all that due to the recent storms and hurricane, his department has postponed the remainder of the paving projects. He went on to say that they were unable to complete Bonham Road, Cedar Street, Greensboro Road, Hillsdale Road, Holmes Road, Louise Road and Nobel Road. His recommendation was that they not do the top coats on these roads at this time—He added that it is not unusual to leave the binder. Mr. Flanagan assured the Board that his department will make everything safe for now and that they will deal with the top coats in the spring. Additionally, his department has postponed planting trees until the spring.

Mr. Flanagan informed all that his department has been very active. He went on to say that his department has a lot of good, quality guys that are doing a lot of small repairs and getting much done. \*\*At approximately 8:20 p.m, Mr. Butler arrived and joined the meeting in progress.\*\* Mr. Flanagan continued to discuss the completed roads and roads not yet completed.

Mr. MacDonald discussed the plan relative to snow storms. He informed all that when snow emergencies are declared they will be announced on the radio, TV, Website and Facebook. Mr. MacDonald went on to say that parking on the even/odd side of the street depends on the month and that some streets have a ban of no parking at any time during a snow storm. Mr. MacDonald snow dumping during the snow removal operations will be at St. Mary's Parking Lot, Memorial Park and the Rustcraft Field Parking Lot. Mr. MacDonald asked Mr. Flanagan to be very careful with the benches this year.

Mr. Dellolacono informed all that there are some new people this year at the DPW—they are Perry Donahue and Dan Curran. Mr. Dellolacono commented that Mr. Flanagan has a good staff and Administrative Assistants. Mr. Dellolacono asked Mr. Flanagan if the DPW does more of its work inhouse. Mr. Flanagan responded, yes. Mr. Dellolacono complimented Mr. Flanagan and staff on the nice paving relative to Elmwood Avenue and Jefferson Avenue. Mr. Flanagan added that due to delays from the hurricane and rain storms, they had to make adjustments for next year—the Elmwood sidewalks will be constructed in the spring. Mr. Dellolacono asked Mr. Flanagan if he will re-bid the seven streets for next year. Mr. Flanagan responded, yes.

Ms. MacDonald commented on the behavior of the Newport Construction staff. Ms. MacDonald asked if Newport Construction was the low bid. Mr. Flanagan responded, yes. He went on to say that they

were approved by Mass Highway. Ms. MacDonald asked if the crews were removed. Mr. Flanagan informed her that two crews were removed.

# <u>DISCUSSION WITH DAVID FIELD, DIRECTOR OF ENGINEERING RE: ENGINEERING PROJECTS AND DEDHAM SQUARE PROJECT UPDATES</u>

David Field, Director of Engineering, gave the Board of Selectmen updates relative to the above-referenced projects. Mr. Field informed the Board that I & I have reached a 1 million foot mark over the past five years. Mr. Field went on to discuss updates relative to Pavement Management, Dedham Square Improvement Project, Traffic Count Study and GIS Upgrades.

Mr. MacDonald made inquiries relative to Whiting Avenue Traffic Calming. He asked Mr. Field to look at the studies and to come back to the Board of Selectmen with a recommendation on how to proceed going forward.

Ms. MacDonald commented on the lack of sidewalks on Rustrcraft Road. She went on to say that she knows of challenges relative to costs; however, the street is a scary place to walk or ride a bicycle. Ms. MacDonald asked Mr. Field to think about some designing options.

Mr. Butler complimented the five-year plan and how it has been executed by the team—he was especially pleased with all the good work that has been done around the Town as a result of this planning.

Mr. Reynolds applauded the team and the progress made with the sewers and road work. Mr. Reynolds echoed Ms. MacDonald's remarks relative to Rustcraft Road—making it a priority going forward. Mr. Reynolds commented that it is bumpy on Highland Street/Chute Avenue. Mr. Fields informed him that Highland Street is on the list for next year. He went on to say that he has not yet received a final Sidewalk Study Report from Norfolk County Engineering. Mr. Field informed all that this project will most likely involve land taking. Mr. Flanagan informed all that Chute Road is not on next year's list.

Mr. Field gave an update relative to the Dedham Square Improvement Project. On November 11, 2011, there will be a peer QAQC with Beta; on December 6, 2011, notice will be posted with the Central Register; on December 14, 2011, plans will be available for the public; on January 5, 2012, there will be a Pre-Bid Conference, on January 19, 2012, bids will be opened and on February 1, 2012, bid award. Mr. Field on went on to discuss project updates further and construction phasing. Mr. MacDonald asked Mr. Field to post this information on to the Town's Website.

# **DISCUSSION WITH SELECTMEN BUTLER RE: SBRC UPDATE**

Mr. Butler informed all that the High School Track and Field opened last month and is available for public use. Mr. Butler went on to say that with the involvement of the veterans' groups and various Boards, the new track and field, flag and sign will be re-dedicated on Thanksgiving.

Avery School-- Mr. Butler informed all that the SBRC is working with the neighbors relative to the railroad bed. Mr. Butler informed all that the Avery School will be substantially finished at the end of January, 2012, and the students will move in sometime in April, 2012. Mr. Butler went on to show the Board and audience photo slides of the new school. Mr. Butler informed all that there is a new group in place that will evaluate the traffic signage in front of the High School and give their recommendations to the Board of Selectmen and Town Administrator

# DISCUSSION OF AND VOTE OF ENGAGING IN THE PROCESS TO CHANGE HEALTH INSURANCE BENEFITS UNDER M.G.L. CHAPTER 32B, SECTIONS 21-23 RELATIVE TO ADOPTION OF NEW HEALTH INSURANCE PROCESS

William Keegan, Town Administrator, explained to the Board and audience that this new statute and rules went into effect in all cities and towns today. Mr. Keegan went on to say that it allows the cities and towns to evaluate their Health Insurance Programs and it would also change the Collective Bargaining. Mr. Keegan commented that cities and towns could modify bargaining with the GIC and then could compare it with their current plan. Mr. Keegan informed all that presently, the Town of Dedham is a charter member of the West Suburban Health Group and has been a member since 1990. Mr. Keegan explained that the Town's present program with West Suburban and the fact that it does not exactly match the GIC--Pursuant to the statute, they need to engage in a process to make changes and develop a new plan for employees that is similar to GIC or else, join the GIC. Mr. Keegan further discussed revenue cost changes, savings for the Town and savings for the employees and the fact that there will be changes in the co-pays, changes in the deductibles and changes to the employees' coverage.

Mr. Keegan informed the Board that their vote relative to this matter starts the initial process—the Board must initiate the process and take action this evening to accept the legislation going forward. Mr. Keegan informed all that he has met with the IAC and has had a conversation with the PEC. Once the process has started, he will then have interval discussion and will provide the Board of Selectmen with information and discuss it further with the PEC-- the entire process start to finish is 164 days.

Mr. Keegan discussed the State's reporting requirement. He commented that the Office of Administration/Finance will evaluate the Town's financial obligations relative to Health Insurance and compare it with the GIC. Additionally, a report is due at the end of June each fiscal year. Mr. Dellolacono informed all that the GIC is the State's Health Plan and the Town's West Suburban Plan must mirror the GIC—it cannot be above or below and must be on the mark. Mr. Dellolacono asked Mr. Keegan if the Town must bring their health plan to the level of the GIC. Mr. Keegan responded, yes—it must be similar to the GIC plan.

Mr. MacDonald informed all that there are a number of communities engaged. Some cities have already joined the GIC—it is not one way or the other. Mr. MacDonald further discuss the savings factor for the cities/towns and employees.

#### **Motion For Adoption of New Health Insurance Process**

Ms. MacDonald made a motion that the Town of Dedham elect to engage in the process to change health insurance benefits under M.G.L., Chapter 32B, Sections 21-23; seconded by Mr. Butler. On the Vote: Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, no; and Mr. MacDonald, yes.

At the conclusion of the vote, Mr. Dellolacono commented that he voted no because he does not agree with the legislation.

The Board will discuss this matter further during their Executive Session portion of the November 22, 2011, meeting.

#### **Town Administrator's Report**

Mr. Keegan discussed the following items: Fiscal 2012 Tax Rate, New faces around Town—Rosemary Shrewsbury, Library; Taissir Alaini, Facilities Director; Helen Homsey, Conservation; Beth Hoffer, Library; Kristen MacMillan; Town Clerk's Office, Adrienne Albani, Town Clerk's Office; Marissa Holland; new Police Recruit; and Deborah Gonski, new Police Recruit.

Mr. Keegan further discussed the on-going work relative to the Endicott Estate Study; Mr. Keegan discussed the Request for Proposals relative to the combined Town facilities—advertised in the Central Register November 16, 2011, and responses back in the office on December 16, 2011. In conclusion, Mr. Keegan informed all that the Rocking the Stocking event, held each year by the Dedham Youth Commission, will be held at Kings on December 4, 2011. He commented that this event is a perfect way to celebrate the holiday with friends, family and also to give back to the youth of Dedham.

#### **Action by the Board**

Request Dedham Square circle to close a portion of street in Dedham Square on December 2, 2011 for the Annual Dedham Square Holiday Stroll and Tree Lighting—Ms. MacDonald made a motion to approve the request from Dedham Square Circle and gave the Board's permission to close off a portion of Dedham Square the evening of December 2, 2011, for the Annual Dedham Square Holiday Stroll and Tree Lighting event between the hours of 5:00 p.m. to 9:00 p.m.; seconded by Mr. Reynolds and voted unanimously.

Request from the Dedham Library Innovation Team for a One-Day Liquor License for Murder at the Main, Main Library Church Street, on November 19, 2011—No action taken relative to this request. DLIT withdrew their request.

Request from Joan Gallivan for the Board to accept the following donations of four (4) contiguous parcels of land to the Town of Dedham Conservation Commission: They are as follows:

\*\*Parcel 171-15 at 11 Kensington Road; Parcel 171-14, at 15 Kensington Road; Parcel 171-13, at 25 Kensington Road; and Parcel 171-17, at 45 Kensington Road\*\*

Ms. MacDonald made a motion to accept the above-listed donations of land, with appreciation to Ms. Gallivan; seconded by Mr. Reynolds. <u>On the Vote:</u> Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.

At the conclusion of the vote, the Board asked the Administrator's Office to send a letter to Ms. Gallivan thanking her for the generous gifts of land.

Acceptance of gift from the Friends of the Endicott Estate in the amount of \$28,356.00 for partial payment toward the Endicott Gazebo (Balance payment in the amount of \$25,000.00 was received from the Mitigation Funds)

Ms. MacDonald made a motion to accept the gift of \$28,356.00 toward partial payment of the Endicott Estate Gazebo, with appreciation to the Friends of the Endicott Estate; seconded by Mr. Reynolds. On the Vote: Mr. Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.

At the conclusion of the vote, the Board asked the Administrator's Office to send a letter to the Friends of the Endicott Estate thanking them for their generous gift.

Acceptance of Board of Selectmen's Meeting Minutes—August 22, 2011, September 26, 2011, October 24, 2011, and November 7, 2011—Mr. Butler made a motion to approve the above-reference Selectmen's Meeting Minutes; seconded by Ms. MacDonald and voted unanimously.

#### **OLD/NEW BUSINESS**

Mr. MacDonald informed all that Santa Claus is coming to the Civitarese/Cushman 38<sup>th</sup> Holiday Lights Celebration very soon. He went on to say that in honor of Dedham's 375<sup>th</sup> Anniversary this year, the back yard will be displayed in red, white and blue lights.

Relative to another matter, Mr. MacDonald wished Nancy Baker, Asst. Town Administrator, well as she recovers from surgery. He commented that she is missed very much and hopes that she is getting stronger each day and will be back to Town Hall soon. Mr. Keegan informed the Board that he met with Nancy this past Monday—she is on the mend and making good progress.

Reynolds, yes; Ms. MacDonald, yes; Mr. Butler, yes; Mr. Dellolacono, yes; and Mr. MacDonald, yes.
The meeting adjourned at 9:20 p.m.
This is to certify that the above is a true and accurate record of the Minutes of the Board of Selectmen's Meeting held on November 17, 2011, which Minutes were approved on February 28, 2013.

James A. MacDonald, Chairman

Ms. MacDonald made a motion to adjourn the meeting; seconded by Mr. Butler. On the Vote: Mr.